IN THE UNITED STATES DISTRICT COURT FOR THE NORTHER DISTRICT OF ALABAMA NORTHEASTERN DIVISION

DEBRA E. MOULTON,)
Plaintiff,)
vs) CIVIL ACTION NO.) 5:06-CV-2032-RRA
DONALD H. RUMSFELD,)
Secretary, Department of)
Defense,)
Defendant.)

Memorandum of Opinion

This is a civil action filed by the plaintiff, Debra Moulton, against the defendant, Donald H. Rumsfeld, in his official capacity as the Secretary of the Department of Defense. The plaintiff contends that the Secretary discriminated against her on the basis of race and national origin in violation of Title VII of the Civil Rights Act of 1964, 28 U.S.C. § 2000e. Before the court is the defendant's motion to dismiss or, in the alternative, for summary judgment. (Doc. 14.)

On January 4, 2008, the magistrate converted the motion to one for summary judgment and recommended that the motion be **GRANTED** and this case **DISMISSED**. The time for objections to same has now expired and no objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, the defendant's motion to dismiss, converted to a motion for summary judgment, is due to be **GRANTED** and this action is due to be **DISMISSED WITH PREJUDICE**. A Final Judgment will be entered.

DONE this the 28th day of January, 2008.

VIRGINIA EMERSON HOPKINS

United States District Judge

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